UNITED STATES PATENT AND TRADEMARK OFFICE

fw

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/541,615	04/03/2000	Takeshi Namikata	35.C14396	4350

5514 7590 09/18/2006		EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO		POON, KING Y	
30 ROCKEFELLER PLAZA			
NEW YORK, NY 10112		ART UNIT	PAPER NUMBER
		2625	

DATE MAILED: 09/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>10 July 2006</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>21,23-33 and 46-55</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>21,23-33 and 46-55</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>12/29/2005, 8/30/2006</u>

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Applicant's election without traverse of the restriction requirement in the reply

filed on 7/10/2006 is acknowledged.

Claim Rejections - 35 USC § 112

2.   Claims 21, 23-33, 46-55 are rejected under 35 U.S.C. 112, first paragraph, as

failing to comply with the written description requirement. The claim(s) contains subject

matter which was not described in the specification in such a way as to reasonably

convey to one skilled in the relevant art that the inventor(s), at the time the application

was filed, had possession of the claimed invention. The limitation of "wherein said

outputting step outputs the result to a forgery preventing module in an operating system

which uses the result obtained in said judging step to output an instruction for executing

a predetermined display to a display driver" found in claim 21; and the limitation of

"wherein said outputting step outputs the result to a forgery preventing module in an

operating system which uses the result obtained in said judging step to output an

instruction for terminating a spooling operation" found in claim 47 are limitations was not

described in the specification in such a way as to reasonably convey to one skilled in

the relevant art that the inventor(s), at the time the application was filed, had possession

of the claimed invention.

        Both claim 21 and 47 are claiming an image processing method for used in a

printer driver. Therefore, it appears the forgery preventing module, the operating

system and the display module are all within the printer driver. The examiner cannot

found those limitations in the specification.

The examiner also conducted a thorough search for a forgery preventing module,

an operating system and a display module located within a printer driver and cannot

found such limitations.

Remarks

3.   According to the specification, the forgery preventing module, the operating

system and the display module are all located outside the printer driver, (fig. 10).

The claims are claming an image processing method for use in a printer driver,

whatever happen outside the printer driver is not part of the claimed limitation.

Accordingly, The limitation of "wherein said outputting step outputs the result to a

forgery preventing module in an operating system which uses the result obtained in said

judging step to output an instruction for executing a predetermined display to a display

driver" found in claim 21; and the limitation of "wherein said outputting step outputs the

result to a forgery preventing module in an operating system which uses the result

obtained in said judging step to output an instruction for terminating a spooling

operation" found in claim 47 is not part of the claimed limitations and would not be

addressed while applying prior art rejection.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 21, 23-30, 46-52 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Fu (US 6,370,271) in view of Microsoft Press computer dictionary

(D1) and Dictionary.com (D2).

Regarding claims 21, 23, 25, 26, 47: Fu teaches an image processing method

for use in a printer driver (column 6, lines 9-15) comprising the steps of: receiving an

instruction for a printing process (note) ; judging whether an image corresponding to an

image signal developed represents a specified image according to the print process

(column 6); and outputting a result (column 5, lines 50-55) obtained in the judging step

so as to use the result in a processing of the image signal (printing/copy processing,

column 6, lines 45-55), wherein the outputting step outputs the result to a forgery

preventing module (disable unit 45, column 6,lines 45-55).

Note: D1 teaches a printer driver is a software program designed to enable other

application program to use a printer for a printing process by using the printer driver

software; D2 teaches an operating system (column 5, lines 5-10 of Fu) is a collection of

software that directs a computer's operations, controlling and scheduling the execution

of other programs. Therefore, it would have been obvious that the printer driver of Fu

receives an instruction for a printing process from other application to use the printer

(e.g., 16, fig. 4) for printing.

The limitation of claims 23, 25, 26 is not part of the image processing method in the printer driver.

Regarding claims 24, 48: Fu teaches wherein the judging step executes judging using template matching (56, fig. 8).

Regarding claims 27, 49: Fu teaches wherein the judging step executes judgment for an image corresponding to the image signal and plural specific images (patterns, column 6, lines 9-15).

Regarding claims 28, 50: Fu teaches wherein the judging step executes judgment with an image signal obtained by spatial thinning of the image signal (column 9, lines 36-40).

Regarding claims 29, 51: Fu teaches wherein the judging step execute with an image signal obtained by reducing the number of bits of image signal (column 7, lines 1-5).

Regarding claims 30, 52: Fu teaches wherein the judging step terminates when there is obtained a high judgment rate indicates that the image corresponding to the obtained image signal is a specific image (610, fig. 6).

Regarding claim 46: Fu teaches a printer adapted for printing an image form the printer driver according to claim 21 (16, fig. 4)

6.   Claims 31-33, 53-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fu in view of Dictionaries as applied to claim 21 above, and further in view of Silver et al (US 7,088,862).

Regarding claims 31, 53: Fu does not teach, when a result of the judgment indicates a high probability of a specific image, said judging step executes judgment with the image signal without thinning.

Such limitation is taught by Silver (fig. 28).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Fu to include: when a result of the judgment indicates a high probability of a specific image during initial judging using low resolution image signal, said judging step executes judgment with the image signal without thinning (high resolution).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Fu by the teaching of Silver because: (a) judging low resolution image is much faster, and (b) it would have increase the capture range with high accuracy as suggested by Silver, column 28,lines 63-67, column 9, lines 1-9.

Regarding claims 32, 54: Fu teaches wherein said judgment with the unthinned image signal is executed with only the image signal of an area containing an object of judgment in the thinned image signal (edge of a circle, column 7, lines 25-35, also see column 3, lines 55-65, Silver).

Regarding claims 33, 55: Silver teaches wherein said judging step executes the second judgment using the unthinned image signal when a high judgment rate is obtained in the first judgment using the thinned image signal for two kinds (column 5, lines 50-62) of judgments provided for a same specific image.

Response to Arguments

7.   Applicant's arguments with respect to claims 21, 23-33, 46-55 have been
considered but are moot in view of the new ground(s) of rejection. Please see detailed
office action.

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to King Y. Poon whose telephone number is 571-272-
7440. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for
the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR only.
For more information about the PAIR system, see http://pair-direct.uspto.gov. Should
you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

September 2, 2006

KING Y. POON
PRIMARY EXAMINER